

IN THE SUPREME COURT OF ALABAMA
November 18, 2010

ORDER

WHEREAS, on June 24, 2010, this Court adopted, effective January 1, 2011, the Rules for Mandatory Continuing Judicial Education for Alabama appellate, circuit, district, and municipal court judges, judicial-system employees, and municipal magistrates and clerks; and

WHEREAS, this Court finds that continuing judicial education is necessary to ensure that critical information, legal updates, advancement in technology, and other issues directly affecting courts are transmitted to all probate court judges; and

WHEREAS, it is essential to the public that probate court judges continue their education in order to maintain and increase their professional competence and to ensure the delivery of quality judicial services to the people of the State of Alabama; and

WHEREAS, the citizens of Alabama will be served in a more effective and efficient manner by knowledgeable, well trained probate court judges;

IT IS THEREFORE ORDERED that Section VII of the Rules for Mandatory Continuing Judicial Education is adopted to read in accordance with the appendix to this order; and

IT IS FURTHER ORDERED that probate court judges comply with annual mandatory judicial-education requirements as outlined in Section VII of the Rules for Mandatory Continuing Judicial Education; and

IT IS FURTHER ORDERED that Section VII of the Rules for Mandatory Continuing Judicial Education shall become effective on January 1, 2011.

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow these Rules:

"Note from the reporter of decisions: The order adopting Section VII of the Rules for Mandatory Continuing Judicial Education, effective January 1, 2011, is published in that volume of the Alabama Reporter that contains Alabama cases from ____ So. 3d."

Cobb, C.J., and Woodall, Stuart, Smith, Bolin, Parker, Murdock, and Shaw, JJ., concur.

Lyons, J., dissents.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 18th day of November, 2010

Robert G. Esdale, Sr.
Clerk, Supreme Court of Alabama

VII. PROBATE JUDGES

RULE 1. ORGANIZATION AND ADMINISTRATION

Notwithstanding anything in Section I, General Provisions, to the contrary, at the request of the Alabama Probate Judges Association ("the APJA") the Alabama Law Institute ("the ALI") agrees to administer the program of mandatory continuing judicial education in conjunction with the APJA. The ALI shall establish policies and procedures for the implementation of the minimum judicial educational requirements established herein. These policies and procedures shall apply to all elected and appointed probate judges in the State of Alabama.

(a) The ALI Director shall serve as administrator of the continuing-judicial-education program for probate judges.

(b) The ALI and the APJA shall monitor and evaluate the quality of educational programs and make changes when appropriate within the approved guidelines for attendance and accreditation.

RULE 2. REQUIRED CONTINUING JUDICIAL EDUCATION

(a) All Alabama probate judges shall attend a designated orientation program for new probate judges of at least 6 hours during their first 12 months in office.

(b) All probate judges shall, after their first year in office, earn a minimum of 12 approved judicial-education credits in each calendar year. Judicial-education credits shall be earned by attending conferences or courses approved by or offered through the ALI, the APJA, and the National Probate Judges Association ("the NPJA"). Each calendar year, all probate judges must earn a minimum of six judicial-education credits at courses offered by the ALI.

(c) When a probate judge earns more than 12 judicial-education credits in a year, a maximum of 8 of those credits may be carried forward and applied toward that probate judge's judicial-education requirements for the following year.

(d) The executive committee of the APJA may grant extensions of time to complete judicial-education requirements for good cause shown. A letter requesting such an extension

must be submitted to the president of the APJA with a corrective-action plan to make up the deficient credits within 30 days following the end of the calendar year for which an extension is sought.

RULE 3. REQUIREMENTS FOR PROGRAM OR COURSE APPROVAL

(a) The courses conducted by the ALI, the APJA, or the NPJA are approved for judicial credit.

The education course, program, or activity must be:

- (1) An organized program of learning, including one or more lectures, workshops, presentations, courses, or symposiums that are designed to contribute to the professional competency of probate judicial officials;
- (2) Related to the administration of justice, the substantive or procedural law of this state, the administrative functions and/or duties of probate judges, or the professional or ethical obligations of probate judges;
- (3) Conducted or taught by persons who have appropriate academic or practical skills necessary to conduct the course effectively and who have special education, training, or experience in the matters being taught;
- (4) Accompanied by the distribution to the attendees of written materials that address the administration of justice, the substantive or procedural law of the state, or the professional or ethical obligations of probate judges, the quality and quantity of which materials indicate that adequate time and care has been devoted to their preparation and that these materials will be of value to the attendees in performing their duties as probate judges.

RULE 4. CREDITS FOR PARTICIPATION

(a) Probate judges are exempt from fulfilling the mandatory judicial-education requirement until the end of their first full calendar year of employment. However, an orientation program for new probate judges must be completed

by all new probate judges within their first calendar year of office.

(b) Upon application, the ALI may award no more than eight credits annually to a judge for serving as a faculty member at any approved program. Each teaching hour is equal to three credits.

RULE 5. SANCTION FOR FAILURE TO COMPLY WITH MANDATORY EDUCATION RULES

(a) Probate judges shall report their attendance and participation in judicial-education programs on an ALI Course Form that has been approved by the ALI.

(b) In the event a probate judge fails to comply with these Rules, the ALI director shall promptly notify the probate judge of the noncompliance by sending a notice thereof to the probate judge at his or her principal office with a copy to the president of the APJA. The statement of noncompliance shall advise the probate judge that within 30 days he or she must submit a plan to correct the noncompliance to the president of the APJA for consideration and approval by the executive committee of the APJA. If a probate judge fails to comply with these Rules and fails to correct the noncompliance within the approved period, the sanction for such noncompliance of these Rules shall be for the ALI to report the noncompliance to the president of the APJA for notification to the APJA and to make the fact of the noncompliance open for public view and inspection.

(c) Probate judges' education files and records, maintained by the ALI, shall be confidential and not be disclosed except in compliance to this rule or upon request of the affected probate judge.